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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	UNITED STATES OF AMERICA,
11	Respondent, No. CR S-04-197 FCD GGH P
12	vs.
13	MIKHAEL BOYADJIAN,
14	Movant. <u>ORDER</u>
15	/
16	Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set
17	aside, or correct his sentence pursuant to 28 U.S.C. § 2255. Movant argues that because he is a
18	deportable alien, he is ineligible for the same benefits as prisoners who are not deportable such as
19	placement in a halfway house. Movant argues that these circumstances fall outside the
20	"heartland" type of cases, warranting a downward departure in his sentence.
21	In his motion, movant states that he expects to be released within ninety days.
22	Because ninety days has passed, movant is ordered to show cause why this action should not be
23	released as moot.
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26	/////
I	

1	Accordingly, IT IS HEREBY ORDERED that within ten days of the date of this
2	order, movant shall show cause why this action should not be dismissed as moot.
3	DATED: 2/13/07
4	/s/ Gregory G. Hollows
5	UNITED STATES MAGISTRATE JUDGE
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